

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 14, 2005

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre
Clerk: D. E. Moore

D043744 Molnar v. Regents of the University of California et al.

Cause called on merits. No appearance by Mr. Molnar, in pro per. Kari D. Searles, Esq. was present in oral argument for respondent, and submitted on the briefs.

Court recessed at 9:05 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald

D043337 People v. Haisha

Cause called on merits. Joanna McKim, Esq. argued for appellant. Melissa Mandel, Deputy Attorney General argued for respondent. Cause submitted.

D044086 Wagner v. Lim

Cause called on merits. George De La Flor, Esq. argued for appellant. David Hall, Esq. argued for respondent, Benson Lim. Mr. De La Flor replied. Cause submitted.

Court recessed at 9:30 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

D043221 People v. Roberts

Cause called on merits. Rebecca P. Jones, Esq. argued for appellant. Heather Wells, Deputy General argued for respondent. Ms. Jones replied. Cause submitted.

D042582 City of San Diego v. Barratt American Incorporated

Cause called on merits. Steven S. Wall, Esq. argued for appellant. David Skinner, Esq. argued for respondent. Mr. Wall replied. Cause submitted.

Court recessed at 10:10 a.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

D044005 Fraher v. Spherion Corporation et al.

Cause called on merits. Kristen E. Caverly, Esq. argued for appellant. Joseph Connaughton, Esq. argued for respondent. Ms. Caverly replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
FEBRUARY 14, 2005 (Continued)

D042999 Hall et al. v. Hall et al.

Cause called on merits. Thomas E. Polakiewicz, Esq. argued for appellant/cross-respondent. John C. Wynne, Esq. argued for respondent/cross-appellant, Thomas J. Hall. Annette Colleen Clark, Esq. argued for respondent/cross-appellant, Donald Hall and etc. Mr. Polakiewicz replied. Cause submitted.

Court recessed at 11:40 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller
Clerk: D. E. Moore

D044282) People v. Mateljan et al.

D044283) People v. Short, Jr.

Cause called on merits. Mary Frances Prevost, Esq. argued for appellant. Gary Nichols, County Public Defender was present in oral argument for appellant, Short, but did not argue. Monica Tiana, Deputy City Attorney argued for respondent. Ms. Prevost replied. Cause submitted.

(Cases were argued together)

D044516) People v. Davari

D044517) People v. Yui

D044519) People v. Fanale

D044520) People v. Paulick

Cause called on merits. Mary Frances Prevost, Esq. argued for appellant. Laura Tanney, Deputy District Attorney argued for respondent. Ms. Prevost replied. Cause submitted.

Court recessed at 2:32 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald

D042546 American Interbanc Mortgage, LLC v. E-Lenders Report Card Inc., et al.

Cause called on merits. Darren J. Quinn, Esq. argued for appellant, E-Lenders Report Card, Inc. Duke F. Wahlquist, Esq. argued for respondent. Anthony Joseph Passante, Esq. argued for appellant, Bricker. Mr. Quinn replied. Cause submitted.

D043742 Schweichler v. Poway Unified School District et al.

Cause called on merits. Manuel Corrales, Jr., Esq. argued for appellant. Paul Carelli, Esq. argued for respondent. Mr. Corrales replied. Cause submitted.

Court recessed at 3:24 p.m. until Tuesday, February 15, 2005 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 15, 2005

D045050 In re Elijah V., a Juvenile

The order is affirmed. Huffman, Acting P.J.; We Concur: Aaron, J., Irion, J.

D045743 Throop v. Superior Court of San Diego County/People

The petition and request for judicial notice are denied.

D043159 People v. Rucker

The judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. McConnell, P.J.;
We Concur: Huffman, J., Haller, J.

**D045373 A.S. v. Superior Court of San Diego County/San Diego County Health and Human
Services Agency**

The petition is denied. McConnell, P.J.; We Concur: Nares, J., Irion, J.

**D045710 Kari F. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The attorney for petitioner Kari F. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

D044936 In re Olivia J., a Juvenile

D045222 In re Olivia J., a Juvenile

The order requiring supervision of visits is reversed. The order denying the section 388 petition is affirmed. McDonald, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D045696 In re Gravely on Habeas Corpus

The petition is denied.

D045816 Cummings v. Superior Court of San Diego County/Cummings

The petition is denied.

**D045874 Mesdaq v. Superior Court of San Diego County/Redevelopment Agency of the City
of San Diego**

All proceedings are stayed pending further order of this order. Real party is directed to file a response to the petition on or before February 25, 2005.

D045819 In re Limbrick on Habeas Corpus

The petition is denied.

D045658 In re Walters on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 15, 2005 (Continued)

D041350 People v. Xayasomloth et al.

D041352 People v. Aphayavong

(Consolidated cases) The 10-year consecutive determinative term imposed against each defendant for a criminal street gang enhancement under Penal Code section 186.22 is reversed and ordered stricken. The superior court is directed to amend each abstract of judgment to reflect (1) the striking of the 10-year criminal street gang enhancement term and (2) the imposition of the alternate penalty of 15-year minimum parole eligibility of Penal Code section 186.22, subdivision (b)(5). The superior court is further directed to forward the amended abstracts of judgment to the Department of Corrections. The remainder of each judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., Aaron, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Judith Haller

Clerk: D. E. Moore

D043591 Sanders Inc. Architecture/Engineering v. Trustees of The California State University

Cause called on merits. Kerri M. Melucci, Esq. argued for appellant. Mark Lemar Eisenhut, Esq. argued for respondent. Ms. Melucci replied. Cause submitted.

Court recessed at 9:30 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke

D044665 Brown v. National Steel & Shipbuilding Company

Cause called on merits. Stephen J. Estey, Esq. argued for appellant. Barry Ponticello, Esq. argued for respondent. Mr. Estey replied. Cause submitted.

Court recessed at 9:51 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke

D044429 People v. Hopkins

Cause called on merits. Jeffrey A. Needelman, Esq. argued for appellant. Garry G. Haehnle, Deputy Attorney General argued for respondent. Mr. Needelman replied. Cause submitted.

Court recessed at 10:11 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

D043783 Velasquez et al. v. Filmex Inc.

Cause called on merits. John S. Moot, Esq. argued for appellant. Frederick Reich, Esq. argued for respondent, Velasquez. Wesley W. Peltzer, Esq. argued, telephonically, for respondent, Gingrich. Mr. Moot replied. Cause submitted.

Court recessed at 10:50 a.m. until 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 15, 2005 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Cynthia Aaron
Clerk: D.E. Moore

D044448 Szold v. Medical Board of California

Cause called on merits. Dan Groszkruger, Esq. argued for appellant. Beth Faber Jacobs, Deputy Attorney General argued for respondent. Mr. Groszkruger, Esq. replied. Cause submitted.

Court recessed at 1:57 p.m. until Wednesday, February 16, 2005 at 9 a.m..

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 16, 2005

D044915 People v. Vasquez

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

D044530 People v. Lopez

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Benke, J.

D045360 In re Y.G. et al., Juveniles

The appeal is dismissed. McIntyre, J.; We Concur: Huffman, Acting P.J., Haller, J.

D045661 In re Adkins on Habeas Corpus

The petition is denied.

D042551 People v. Jeter

The petition for rehearing is denied.

D042631 MHC Financing Limited Partnership Two v. City of Santee

D043129 MHC Financing Limited Partnership Two v. City of Santee

(consolidated) The petition for rehearing is denied. The opinion filed on January 25, 2005, is modified. No change in judgment.

D044832 People v. Boose

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

D044141 People v. Stockton

The judgment is affirmed. Huffman, Acting P.J.; I Concur: Nares, J.; I Concur in the Result: Irion, J.

D045192 Zora et al. v. Superior Court of San Diego County/M&H Realty Partners IV L.P.

The Zoras' petition for a writ of mandate is granted. Aaron, J.; We Concur: Huffman, Acting P.J., Haller, J.

D045221 In re Harry M.H., a Juvenile

The judgment terminating parental rights is reversed, and the matter is remanded to the juvenile court with directions to order Agency to make proper inquiry and to comply with the notice provisions of ICWA, the relevant case law interpreting ICWA, and the views expressed in this opinion. If, after proper inquiry and notice, a tribe claims Larry is an Indian child, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, no response is received or no tribe claims that Larry is an Indian child, the judgment terminating parental rights shall be reinstated. Haller, J.; We Concur: Huffman, Acting P.J., Irion, J.

D043650 In re the Marriage of Katherine and Ralph Covell

The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 16, 2005 (Continued)

D044826 In re Elijah W., a Juvenile

The judgment terminating parental rights is reversed. This matter is remanded to the juvenile court, with directions that it (1) require the Agency to give proper ICWA notice and file with the court the notices, return receipts, and any responses; and (2) hold a new section 366.26 hearing. If, at the new section 366.26 hearing, the court determines the ICWA notice was proper and no Indian entity seeks to intervene or otherwise indicates Elijah is an Indian child as defined by ICWA, the court shall reinstate all of its previous findings and orders, including the termination of parental rights. If, on the other hand, an Indian entity determines Elijah is an Indian child under ICWA, the court shall conduct the detention, disposition and all subsequent hearings in accordance with ICWA. McConnell, P.J.; We Concur: Huffman, J., O'Rourke, J.

D044881 Western Light Source Inc. v. Brookwood Kearny Mesa Investors, LLC et al.

Upon written request filed by appellant, the appeal is dismissed as to Sentre Partners, Inc. only.

Court convened at 9:00 a.m.

The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron
Clerk: D. Moore

D043911 In re Maria A., a Juvenile

Cause called on merits. Joanna McKim, Esq. argued for appellant. Rebecca Peterson, Certified Law Student from Attorney General's office argued for respondent. Ms. McKim replied. Cause submitted.

D045041 In re Darin J., a Juvenile

Cause called on merits. William Henry Hook, Esq. argued for appellant. Carl Fabian, Esq. argued for the minor. Paula Roach, Deputy County Counsel argued for respondent. Mr. Hook replied. Cause submitted.

D043522 Taylor v. Sussman,

Cause called on merits. James C. Mitchell, Esq. argued for appellant. Terry Loftus, Esq. argued for respondent. Ms. Mitchell replied. Cause submitted.

Court recessed at 9:45 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

D043396 Cacho et al. v. Boudreau et al.

Cause called on merits. Bruce Cornblum, Esq. argued for appellant. Ron Stormoen, Esq. argued for respondent. Mr. Cornblum replied. Cause submitted.

Court recessed at 10:25 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 16, 2005 (Continued)

D043603 Cardoza v. Darside Inc., et al.

Cause called on merits. Bruce E. Disenhouse, Esq. argued for appellant. Michael W. Quade, Esq. argued for respondent. Mr. Disenhouse replied. Cause submitted.

D044268 Schuster v. Gardner et al.

Cause called on merits. Brian P. Murray, Esq. argued for appellant. Brian E. Pastuszewski, Esq. argued for respondent, Noell. Harry A. Olivar, Esq. argued for respondent. Moores. Mr. Murray replied. Cause submitted.

Court recessed at 11:22 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

Clerk: D. Moore

D044899 Versaci v. Superior Court/Palomar Community College District

Matter called on merits. Charles Wolfinger, Esq. argued for petitioner. Carolyn Anne Hudson, Esq. argued for real party. Mr. Wolfinger replied. Matter submitted.

Court recessed at 1:51 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Joan Irion

D044612 Photomedex Inc. v. Irwin et al.

Cause called on merits. Michael Roland Matthias, Esq. argued for appellant. Tracy L. Nation, Esq. argued for respondent. Mr. Matthias replied. Cause submitted.

Court recessed at 2:10 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Joan Irion

D043357 Smithfield et al. v. Vista Unified School District et al.

Cause called on merits. Martha L. McGill, Esq. argued for appellant. Dean Gregory Chandler, Esq. was present in oral argument for appellant, but did not argue. Paul Carelli, Esq. argued for respondent. Ms. McGill replied. Cause submitted.

Court recessed at 2:38 p.m. until Thursday, February 17, 2005 at 9:00 a.m.

D045879 In re Darion F., a Juvenile

Because there is a reference to a Welfare & Institutions Code section 366.26 hearing, the matter will proceed by petition for writ review. (See Anthony D. v. Superior Court (1998) 63 Cal.App.4th 149). All issues, writ and appellate, from the hearing on February 9, 2005, should be included in the petition. The San Diego Juvenile Court is directed to prepare a 38.1 writ record for D045879. Rule time shall run from the date of this order.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 16, 2005 (Continued)

D045722 In re Cami B., a Juvenile

Since, both mother, Shannon W., and father, Augustine B., are appealing from the same hearing, the appeals will be considered together. The San Diego County Superior Court is directed to prepare a Supplemental Clerk's Transcript within 20 days from the date of this order and to provide an entire copy of the record to Augustine B. within the same time period. The filing of the opening brief for Shannon W., is stayed and both appellants' opening briefs will be due 30 days from the filing of the Supplemental Clerk's Transcript with this court.

D043139 People v. McCann

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 17, 2005

D044205 People v. Quackenbush

The judgment is affirmed. Nares, Acting P.J.; I Concur: Aaron, J.; I Concur in the Result: Irion, J.

D044920 People v. Valladares

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., Irion, J.

D045720 Frewoini G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Frewoini G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

Court convened at 9 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion
Clerk: D. Moore

D044212 Bouzan et al. v. Diedel et al.

Cause called on merits. Mary Goodhue Deutsch, Esq. argued for appellant. Keenan A. Parker, Esq. argued for respondent. Ms. Deutsch replied. Cause submitted.

D044004 DePierro v. Lachut

Cause called on merits. Timothy S. Noon, Esq. argued for appellant. Lori L. Krupa, Esq. argued for respondent. Mr. Noon replied. Cause submitted.

Court recessed at 9:34 a.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

D043407 Bivens v. Corel Inc.

Cause called on merits. Scott A. McMillan, Esq. argued for appellant. Terry Ross, Esq. argued for respondent. Mr. McMillan replied. Cause submitted.

Court recessed at 10:05 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron

D042401 Lytwyn v. Fry's Electronics Inc., et al.

Cause called on merits. Scott A. McMillan, Esq. argued for appellant. James Drake Claytor, Esq. argued for respondent. Mr. McMillan replied. Cause submitted.

Court adjourned at 10:51 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 17, 2005(Continued)

D045854 McDonnell v. Superior Court of San Diego County/Wray

For good cause shown the Superior Court of the County of San Diego is ordered to show cause why the relief requested should not be granted. Absent objection on or before February 25, 2005, the response on file will be deemed the return to the order to show cause. Petitioner may file a reply on or before March 4, 2005. Oral argument will be deemed waived absent a request on or before March 11, 2005. Release of the hair follicle test results is stayed pending further order of this court.

D045374 Chapman et al. v. Superior Court of San Diego County/Malcolm

Real party may file a return to the order to show cause on or before February 28, 2005. Petitioners may file a reply within 15 days of the filing of the return. (Cal. Rules of Court, rule 56(h)).

D0457091 Salina M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief (California Rules of Court, rule 38.1) has been filed. Additionally, the attorney for petitioner Salina M. has notified the court on behalf of the petitioner that a petition will not be filed. The case is dismissed.

D044640 People v. Shaw

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.

D041600 Sagi v. Infinity Capital, LLC et al.

The judgment entitled "Order and Partial Judgment in Favor of [Gray Cary]" is affirmed. The judgment entitled "Orders and Partial Judgment After Jury Verdicts and Trial by Court Re: Claims of Plaintiff Against All Defendants Except Unwired Express and Gray Cary, and Claims of Cross-Complainants Except Unwired Express" is affirmed. The order denying Gray Cary's motion for an award of attorney fees is reversed and the matter is remanded to the trial court for further proceedings to determine the proper apportionment, if any, of attorney fees between Sagi's claims against Gray Cary for which attorney fees are recoverable under the Investors' Rights Agreement and claims for which attorney fees are not recoverable under the Investors' Rights Agreement, and to award Gray Cary reasonable attorney's fees incurred in the litigation of the former. Gray Cary, Boger, Infinity and Concord are awarded costs on Sagi's appeal. Sagi is awarded costs on Infinity and Concord's appeal. Gray Cary is awarded costs on its appeal. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D045158 In re Jessica G., a Juvenile

The judgment terminating parental rights is reversed. This matter is remanded to the juvenile court, with directions that it (1) require the Agency to give proper ICWA notice and file with the court the notices, return receipts, and any responses; and (2) hold a new Welfare and Institutions Code section 366.26 hearing. If, at the hearing, the court determines ICWA notice was proper and a tribe does not seek to intervene or otherwise indicate Jessica is an Indian child as defined by ICWA, the court shall determine and order a permanent plan for her. If, on the other hand, an Indian entity determines Jessica is an Indian child under ICWA, the court shall conduct the detention, disposition and all subsequent hearings in accordance with ICWA. The remittitur is to issue forthwith. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 17, 2005 (Continued)

D044753 California Rural Legal Assistance Inc., v. Leslie Farms Inc., et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D045662 In re Tolbert on Habeas Corpus

The petition is denied.

D045823 Baustert v. Superior Court of San Diego County/People

For good cause shown the Superior Court of the County of San Diego is ordered to show cause why the relief requested should not be granted. Absent objection on or before February 22, 2005 the briefs on file will be deemed the return and reply to the order to show cause. Oral argument will be deemed waived unless requested on or before February 23, 2005.

D044193 Scherer et al. v. Schmidt as Trustee etc.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 18, 2005

D044090 In re Christopher M., a Juvenile

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D044570 People v. Lanham

The judgment is modified by striking the \$800 restitution fine and the \$800 parole revocation fine. The \$200 restitution fine and the \$200 parole revocation fine remain. As so modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections. Huffman, J.; We Concur: McConnell, P.J., Nares, J.

D043960 People v. Mendoza

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D043765 Baker v. McGraw-Hill Broadcasting Company Inc., et al.

The order is reversed. The parties are to bear their own costs on appeal. McConnell, P.J.; We Concur: Huffman, J., O'Rourke, J.

D043407 Bivens v. Corel Corporation

The judgment of the trial court is affirmed. Corel is entitled to its costs on appeal. CERTIFIED FOR PUBLICATION Aaron, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D044061 In re Henderson on Habeas Corpus

The petition for writ of habeas corpus is denied.

D043082 People v. Henderson

Judgment affirmed.

D045830 People v. The Superior Court of San Diego County/Cummings

The petition is denied.

D044745 Chappius v. Mercury Insurance Group

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D045222 In re Olivia J., a Juvenile

D044936 In re Olivia J., a Juvenile

The opinion dated February 15, 2005, is modified (there is no change in judgment).